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21 *Attorneys for Plaintiffs Shimon Hedvat, City of Miami  
22 Fire Fighters' and Police Officers' Retirement Trust  
23 and the Proposed Class*

24 **UNITED STATES DISTRICT COURT**

25 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

26 **SAN FRANCISCO DIVISION**

27 IN RE NUTANIX, INC. SECURITIES  
28 LITIGATION

Case No. 3:19-cv-01651-WHO

29 **STIPULATION AND ORDER  
30 MODIFYING CLASS  
31 CERTIFICATION DEADLINES**

32 WHEREAS, this action is a consolidated securities class action alleging violations of Sections 10(b)  
33 and 20(a) of the Securities Exchange Act of 1934 (“Exchange Act”) and Securities and Exchange  
34 Commission Rule 10b-5;

35 WHEREAS, on May 28, 2019, Shimon Hedvat filed a motion, pursuant to the Private Securities  
36 Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4(a)(3)(i)(II), to (a) appoint himself as the  
37 lead plaintiff in this action and (b) to appoint his counsel, Levi & Korsinsky, LLP, as lead counsel in this  
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1 action (ECF 22);

2 WHEREAS, on May 28, 2019, Jose Flores filed a motion, pursuant to the PSLRA, to (a) appoint  
 3 himself as the lead plaintiff in this action and (b) to appoint his counsel, Wolf Popper LLP, as lead counsel  
 4 in this action (ECF 32);

5 WHEREAS, on July 10, 2019, the Court granted Mr. Hedvat's motion, appointed Mr. Hedvat as  
 6 Lead Plaintiff, and appointed his counsel, Levi & Korsinsky, LLP, as Lead Counsel (ECF 87);

7 WHEREAS, on September 9, 2019, Mr. Hedvat filed the Consolidated Amended Complaint for  
 8 Violation of the Federal Securities Laws ("FAC") against Defendants Nutanix, Inc., Dheeraj Pandey, and  
 9 Duston M. Williams ("Defendants") (ECF 102);

10 WHEREAS, the FAC added the City of Miami Fire Fighters' and Police Officers' Retirement Trust  
 11 (the "Trust") as a named plaintiff and proposed class representative;

12 WHEREAS, on October 24, 2019, the Defendants moved to dismiss the FAC (ECF 108), and after  
 13 briefing and oral argument (ECF 111, 113, 115), the Court granted Defendants' motion to dismiss with leave  
 14 to amend on March 9, 2020 (ECF 121);

15 WHEREAS, on April 17, 2020, Mr. Hedvat and the Trust filed a Second Amended Complaint for  
 16 Violation of the Federal Securities Laws ("SAC") against the Defendants (*see* ECF 124);

17 WHEREAS, on May 22, 2020, the Defendants moved to dismiss the SAC (ECF 125), and after  
 18 briefing and oral argument (ECF 127, 129, 134), the Court denied Defendants' motion to dismiss the SAC  
 19 on September 11, 2020 (ECF 140);

20 WHEREAS on October 27, 2020, the Court held a case management conference and entered a  
 21 scheduling order (ECF 152, the "Order") that, among other things, set a schedule for Lead Plaintiff's motion  
 22 for class certification such that the deadline for Lead Plaintiff to file its motion for class certification is  
 23 February 26, 2021, the deadline for Defendants to file any response to the motion is April 30, 2021, the  
 24 deadline for Lead Plaintiff to file any reply is June 30, 2021, and the date set for hearing on the motion is  
 25 July 21, 2021 at 2:00 p.m.

26 WHEREAS, on January 27, 2021, Mr. Hedvat, Mr. Flores, and the Trust filed a joint Motion to  
 27 Withdraw as Lead Plaintiff and Substitute Lead Plaintiff (ECF 161-162);

1 WHEREAS responses to the Motion to Withdraw as Lead Plaintiff and Substitute Lead Plaintiff are  
 2 due on February 10, 2021 (*see* ECF 161);

3 WHEREAS Defendants intend to submit a response opposing the Motion to Withdraw as Lead  
 4 Plaintiff and Substitute Lead Plaintiff;

5 WHEREAS, the hearing on the Motion to Withdraw as Lead Plaintiff and Substitute Lead Plaintiff  
 6 is noticed for March 3, 2021 (*see* ECF 163);

7 WHEREAS, Lead Plaintiff Mr. Hedvat and Defendants have jointly agreed to extend the deadline  
 8 to file the motion for class certification until **March 10, 2021** and the date for Defendants to file any  
 9 opposition to a motion for class certification shall be extended to **May 12, 2021**; and

10 WHEREAS, the parties, through this stipulation and proposed order, do not seek modification of the  
 11 deadline for plaintiffs to file a reply brief in further support of a motion for class certification, the hearing  
 12 date for the class certification motion, or any other future case management deadlines;

13 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO**  
 14 **APPROVAL BY THIS COURT**, by these parties, through counsel, as follows:

15 1. The following schedule shall govern the parties' class certification motion pleading  
 16 deadlines:

Event	Date Due
Lead Plaintiffs' Motion for Class Certification	March 10, 2021
Defendants' Response	May 12, 2021
Lead Plaintiffs' Reply	June 30, 2021 (same date as before)
Hearing	July 21, 2021 at 2:00 p.m. (same date as before)

23 2. All other discovery, pre-trial, and trial dates in the Order shall remain unaltered.

25 **SO STIPULATED.**

Dated: February 3, 2021

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*Attorneys for Lead Plaintiff Shimon Hedvat and Lead Counsel for the Class*

By: Shannon L. Hopkins

Dated: February 3, 2021

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*Attorneys for Defendants*

By: // Ignacio E. Salceda

## ATTESTATION

I, Shannon L. Hopkins, am the ECF User whose identification and password are being used to file this Stipulation and [Proposed] Order Modifying Scheduling Deadlines. In compliance with Local Rule 5-1(i)(3), I hereby attest that counsel for Defendants, Ignacio E. Salceda, concurs in this filing.

Dated: February 3, 2021

## LEVI & KORSINSKY LLP

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*Attorneys for Plaintiffs Shimon Hedvat, City of Miami Firefighters and Police Officers' Retirement Trust and the Proposed Class*

1                   **SO ORDERED.**  
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DATED: February 4, 2021

  
Hon. William H. Orrick  
United States District Judge

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